



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: Commercial fishing rules in Puget Sound, including chapter 220-48 WAC, Puget Sound--fish other than salmon; chapter 220-49 WAC, Puget Sound commercial forage fish; and WAC 220-52-051, Shrimp fishery--Puget Sound.

Statutes authorizing the agency to adopt rules on this subject: : RCW 77.04.012, 77.12.045, and 77.12.047.

Reasons why rules on this subject may be needed and what they might accomplish: Rule changes are needed to provide increased conservation of rockfish in Puget Sound. The department will complete a Puget Sound Rockfish Conservation Plan this summer, and it needs rule changes to implement the plan. In April 2010, the National Marine Fisheries Service declared that three species of rockfish warrant protection under the federal Endangered Species Act (ESA). This requires WDFW to review and possibly change commercial fishing regulations in Puget Sound. The intent of these proposed rule changes is to rebuild populations of rockfish in Puget Sound.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The National Marine Fisheries Service (NMFS) applies the provisions of the ESA to listed rockfish species. State and federal agencies are developing conservation plans to recover rockfish. NMFS will develop standards for allowable take of listed rockfish by commercial fisheries. WDFW is preparing an application for an Incidental Take Permit that includes a "Fisheries Conservation Plan." NMFS will use the Application and Plan to evaluate the risk posed by commercial fishing to the listed rockfish. Regulation changes will be required to implement the provisions of the Incidental Take Permit.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☒ Agency study
☐ Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Lori Preuss, WDFW Enforcement, 600 Capitol Way, N. Olympia, WA 98501-1091
Phone (360) 902-2930; fax (360) 902-2155; e-mail Lori.Preuss@dfw.wa.gov.

Contact by August 2, 2010. Expected proposal filing date is August 18, 2010.

DATE
June 15, 2010

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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